BILL NO. G-78-06-27

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2.6

GENERAL ORDINANCE NO. G-22-78

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

the East-West alley from the West right-of-way line of Eade Avenue to the West boundary line of Lot 31 in Eade's Addition, lying between Lots 30 and 31 and Lot 32 in Eade's Addition.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

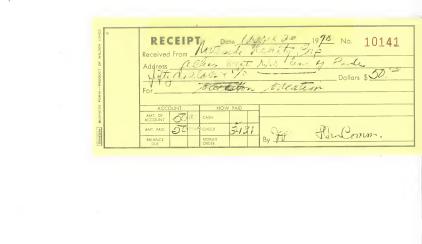
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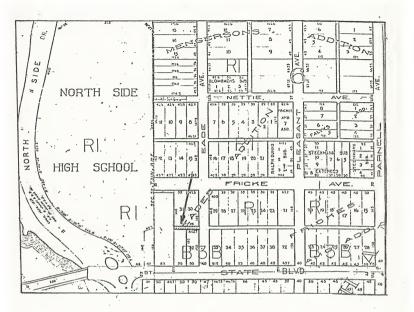
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			MAYOR		

G-78-06-27 Bill No. REPORT OF THE COMMITTEE ON REGULATIONS We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain alley have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance _ Do ____ PASS. VIVIAN G. SCHMIDT - CHAIRMAN JOHN NUCKOLS - VICE CHAIRMAN WILLIAM T. HINGA DONALD J. SCHMIDT JAMES S. STIER

CHARLES W. WESTERMAN, CITY CLASS





*** VACATE ALLEY

- MAP NO. N-18

6-78-06-27

VACATION: The East-West alley from the West right-of-way line of Eade
Avenue to the West boundary line of Lot 31 in Eade's Addition,
lying between Lots 30 and 31 and Lot 32 in Eade's Addition.

ENGINEERING COMMENTS:

1. Ken Traylor - Street Engineering

OK to vacate.

2. Carl O'Neal - Street Light Engineering

This proposed vacationing will not affect street light facilities. Therefore, we do not have any objections.

3. Phil Boller - Water Pollution Control Engineering

Sewer Easements Required for Water Pollution Control Engineering.

4. Don Foland - Water Engineering

No water facilities affected. No easement required.

5. Bob Arnold - Park Department

OK to vacate.

6. Tom Manny - Traffic Engineering

OK to vacate.

PRIVATE UTILITIES COMMENTS:

1. General Telephone Company

Yes, we do require an easement. For existing facilities.

2. Indiana & Michigan Electric Company

Yes, we do require an easement. For existing facilities.

I&M has primary and secondary lines at this location.

3. Northern Indiana Public Service Co.

No, we do not require an easement.

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

THE COMMON COUNCIL CITY OF FORT WAYNE, INDIANA

Gentlemen:

The undersigned does hereby respectfully petition the Plan

Commission and the Common Council of the City of Fort Wayne to vacate

the following alley within the City of Fort Wayne described as follows:

The East-West alley from the West right-of-way line of Eade Avenue to the West boundary line of Lot 31 in Eade's Addition, lying between Lots 30 and 31 and Lot 32 in Eade's Addition.

Your Petitioner represents that:

- It is the owner of all the lots abutting said alley herein sought to be vacated.
- That said alley currently deadends, on the West, at the fence of Northside High School, and is not and cannot be used for any through traffic as such.
- 3. That the lots on both sides of said alley sought to be vacated are used and would be used by Hefner Chevrolet, Inc. in the operation of its automobile business.
- 4. No other person, firm, or corporation is interested in or affected by the requested vacation and that the land included in said alley has no value to anyone other than the Petitioner.
- 5. The continued existence or maintenance of said alley is neither necessary nor advantageous in any manner to the growth of the City of Fort Wayne and that, in fact, it would be to the best interests



of said City and the citizens thereof, as well as the immediately adjoining property owners, that said alley be vacated as prayed.

WHEREFORE, your Petitioner prays that the alley above-described be vacated according to the provisions of the Indiana law pertaining thereto.

NORTHSIDE REALTY CORP.

Bv

Thomas J. Grant, its Vice-President

66-107-12 7/31/78

RESOLUTION #66-107-12

WHEREAS, NORTHSIDE REALTY CORPORATION have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, Indiana, to-wit:

> The East-West alley from the West right-of-way line of Eade Avenue to the West boundary line of Lot 31 in Eade's Addition, lying between Lots 30 and 31 and Lot 32 in Eade's Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering, Park Board and through the public utility companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley, hereinbefore described be and the same is hereby approve subject to the alley being maintained as a utility easement because of the existence of sewer, telephone and electrical utilities in the alley.

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF ALLEN) SE I, Recurst. The Message Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, the and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works Meeting held and as the same appears of record in the official records of said Board of

DATED THIS 3/ DAY OF

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg, Chairman

Ethel H. LaMar, Member

Max G. Scott, Member

RESOLUTION

WHEREAS, NORTHSIDE REALTY CORPORATION have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

The east-west alley from the west right-of-way line of Eade Avenue to the west boundary line of Lot 31 in Eade's Addition, lying between Lots 30 and 31 and Lot 32 in Eade's Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held July 17, 1978, at 7:30 P.M., o'clock, and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley herebefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, <u>Luben Lazoff</u>, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 17, 1978, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 26th DAY OF July 1978

FORT WAYNE CITY PLAN COMMISSION

Luben Lazoff Secretary

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Admn. Appr.____

TITLE OF ORDINANCE Alley Vacation Ordinance 6-78-06-27
DEPARTMENT REQUESTING ORDINANCELong Range Planning & Zoning - CD&P The East-West alley from the West right-of-way line
SYNOPSIS OF ORDINANCE
of Eade Avenue to the West boundary line of Lot 31 in Eade's Addition, lying
between Lots 30 and 31 and Lot 32 in Eade's Addition.
EFFECT OF PASSAGE Alley would be vacated and property returned to abutting
— property owners.
EFFECT OF NON-PASSAGE Alley would remain open.
MONEY INVOLVED (Direct Costs, Expenditures, Savings)
ASSIGNED TO COMMITTEE (J.N.)





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

room 122

charles w, westerman, clerk

August 14, 1978

Ms. Virginia Grace Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of August 16 and August 23, 1978, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN

Bill No. G-78-06-32 General Ordinance No. G-23-78

Bill No. G-78-06-27 General Ordinance No. G-22-78

Please send us (8) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Utesterman
Charles W. Westerman

City Clerk

CWW/ne ENCL:1



LEGAL NOTICE

Notice is hereby given that on the 8th day of August, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-06-27 --- General Ordinance No. G-22-78 being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley

Notice is hereby given that on the 8th day of August, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-06-32 --- General Ordinance No. G-23-78 being AN ORDIHANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-06-27 — General Ordinance No. G-22-78 and Bill No. G-78-06-32 — General Ordinance No. G-23-78 being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley, were passed by the Common Council on the 8th day of August, 1978, and that said Ordinances were duly signed and approved by the Mayor on the 10th day of August, 1978, and now remains on file and on record in my office.

Copies of said Bill No. G-78-06-27 --- General Ordinance No. G-22-78 and Bill No. G-78-06-32 --- General Ordinance No. G-23-78 are posted in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-06-27 --- General Ordinance No. G-22-78 and Bill No. G-78-06-32 --- General Ordinance No. G-23-78, are also available for reading in the following public places in Fort Mayne, Indiana

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman

City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fufilled and posted the above Ordinance in the designated places as stated above on August 16, 1978

Charles W. Westerman City Clerk

F	form Prescribed	by State Board of Acc	counts				
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	Body	number of lines				68	
	Tail	number of lines				1	
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Notice Mth. day Council Mth. day Council

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Common Council	of Fort Wayne		ToJOUR	NAL-GAZETTE	
A	llen County, Ind		FORT	WAYNE, INDIANA	
		DIIDI ICHEDIC	CLAIM		
		PUBLISHER'S	CLAIM		
LINE COUNT					
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